



# Supreme Court of Illinois

June 13, 2016

## **SUPREME COURT RULES COMMITTEE SETS PUBLIC HEARING ON PROPOSALS, ONE SEEKS TO ADDRESS USE OF RESTRAINTS ON MINORS**

The Illinois Supreme Court Rules Committee will hear comments July 8 at a public hearing in Chicago on three proposals, including one calling for the creation of a Supreme Court rule to govern the use of restraints on minors during court proceedings.

The Committee will also consider proposed changes to Supreme Court rules involving proof of service and the record on appeal.

All the proposals, which must be approved by the Illinois Supreme Court before they could take effect, will be aired at a hearing before the Rules Committee at **10 a.m., Friday, July 8, 2016**, in Room C-500 of the Michael A. Bilandic Building, 160 N. LaSalle St. in Chicago.

The Rules Committee invites public comments on the proposals, which are posted on the Supreme Court website at: [www.illinoiscourts.gov/SupremeCourt/PublicHearings/Rules/default.asp](http://www.illinoiscourts.gov/SupremeCourt/PublicHearings/Rules/default.asp).

Written comments should be submitted by **Friday, June 24, 2016**, to [jzekich@illinoiscourts.gov](mailto:jzekich@illinoiscourts.gov) or by mail to: Committee Secretary, Supreme Court Rules Committee c/o Administrative Office of the Illinois Courts, 222 N. LaSalle Street, 13th Floor, Chicago, IL 60601.

Those wishing to testify in person at the hearing on any of the proposals should send an e-mail or written request to the Rules Committee secretary, as noted above, no later than **Friday, July 1, 2016**.

One of the three proposals on the agenda for the upcoming hearing seeks to create a new Supreme Court rule to govern the use of restraints on minors in delinquency proceedings under the Juvenile Court Act.

**Proposal 15-05** would prohibit the use of restraints on a minor in a delinquency proceeding unless the court finds, after a hearing, that the use of restraints is necessary for one or more of the following reasons: to prevent physical harm to the minor or another person, the minor has a history of disruptive behavior that has put others in potentially harmful situations or presents a substantial risk of inflicting harm on himself/herself or others, or there is a well-founded belief that the minor presents a substantial risk of flight.

Submitted by the Juvenile Justice Committee of the Illinois Judicial Conference, the proposal would establish that restraints can only be used on minors when the court determines they are necessary and there are no less restrictive alternatives to restraints to prevent the minor from flight or inflicting physical harm on himself/herself or others, including the presence of court personnel, law enforcement officers, or bailiffs.

**MORE**

## **SC Rules Committee Public Hearing Add One**

**Proposal 15-05** would further require that any restraints authorized under the rule allow the minor limited movement of the hands to handle court documents and prohibit the minor from being restrained to another minor, a wall, the floor, or furniture while in the courtroom.

The proposed rule would also give the minor's attorney an opportunity to be heard before the court orders restraints, and require the court to enter an order setting forth its findings of fact if restraints are ordered.

**Proposal 15-02**, submitted by the Illinois Supreme Court Commission on Access to Justice, would amend Supreme Court Rule 12, which governs proof of service in the trial and reviewing courts, to replace the word "affidavit" with "certificate" and to include reference to section 1-109 of the Code of Civil Procedure.

**Proposal 15-06**, submitted by the Appellate Lawyers Association, would amend Supreme Court Rule 307, which deals with interlocutory appeals as of right, to authorize the filing of supporting records, instead of full records on appeal. It would also require that notice of appeal be filed in the circuit court in appeals authorized under Rule 307, and would allow Rule 373 to be utilized if relevant documents are sent by overnight delivery.

Justice Thomas L. Kilbride serves as Supreme Court liaison to the Rules Committee and James R. Figliulo, a partner at Figliulo & Silverman P.C. in Chicago, is chair of the committee

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**FOR MORE INFORMATION, CONTACT: Bethany Krajelis, senior communications specialist to the Illinois Supreme Court, at 312.793.0870 or [bkrajelis@illinoiscourts.gov](mailto:bkrajelis@illinoiscourts.gov).**